

ARGUMENTS AND

STATUS OF THE CLAIMS AND SUPPORT FOR CLAIM CHANGES

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-12 are currently pending and Claim 9 having been amended. Support for the present amendment can be found in U.S. Patent No. 6,661,760, for example, column 29, line 3 to column 33, line 19. Thus, no new matter is added.

In the outstanding Office Action, Claims 1-12 were rejected as being based upon a defective reissue oath/declaration under 35 U.S.C. §251 for failing to identify at least one error which is relied upon to support the reissue application and an assent of assignee was noted as being absent.

Applicants are submitting herewith a new Supplemental Declaration signed by the Assignee identifying at least one error that is relied upon to support the present Reissue application. In particular, the Supplemental Declaration identifies that the at least one error is that independent Claim 9 does not include the language “non-transitory,” consistent with the guidance provided in Undersecretary Kappos’ memo of January 26, 2010. Furthermore, Applicants note that the filing of an Assignee Declaration is permitted under 37 CFR 1.172 since the present Reissue application is not a “broadening” Reissue application. Accordingly, Applicants respectfully submit that the Supplemental Declaration overcomes this ground for rejection.

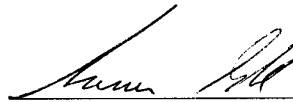
With respect to the absent assent of assignee, Applicants are submitting herewith a Consent of Assignee in accordance with MPEP §1410.01.

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Consequently, in light of the above discussion and in view of the present amendment, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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